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THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, )  
 )  
Government, ) CASE NO. 4:21-cr-289-O  
 )  
VS. ) FORT WORTH, TEXAS  
 )  
HOLLIS MORRISON GREENLAW )  
(1), BENJAMIN LEE WISSINK )  
(2), CARA DELIN OBERT (3), )  
JEFFREY BRANDON JESTER )  
(4), )  
 )  
Defendants. )

January 21, 2022

VOLUME 9  
TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE REED C. O'CONNOR  
UNITED STATES DISTRICT COURT JUDGE

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I N D E X

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**GOVERNMENT EXHIBITS**

**None in this volume.**

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**DEFENSE EXHIBITS**

**None in this volume.**

P R O C E E D I N G S

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. Are you all ready?

MR. STEPHENS: Yes, sir.

THE COURT: All right. And then Mr. Wissink is not here?

MR. LEWIS: No.

THE COURT: And that's excused.

MR. LEWIS: Yes, sir.

THE COURT: All right. So we got everybody we need then. So the second jury note, as you all have read, for the record, the jury has indicated that they can't reach a verdict. So what does the government propose we should do?

MS. EGGERS: Your Honor, if the Court's prepared to, I don't know if it's time for an Allen charge or not with that kind of a note. I mean, obviously, the Court can only give an Allen charge once. Can't do it twice and you can't do a partial one later.

I mean, I've tried a lot of fraud cases, and I've had fraud cases take a week to come back and I've had them come back in a day. So I think this is still pretty quick to get to that point.

The question was, what does the government

1 propose? Either have them continue deliberating or have  
2 then come in and do the Allen charge.

3 THE COURT: Okay. Are you taking the lead?

4 MR. STEPHENS: Yes, sir, your Honor. The  
5 defendants' position is for the Court to instruct them to  
6 continue to deliberate.

7 THE COURT: And so you would propose I send back a  
8 note that says what?

9 MR. STEPHENS: That they should continue to  
10 deliberate. And then, if another note comes back out, then  
11 maybe that's the point to do an Allen charge.

12 THE COURT: All right. And so I would say to  
13 them, in response to your note -- we've received your note  
14 and in response to your note, you are instructed to continue  
15 to deliberate in an attempt to reach a verdict if you can do  
16 so?

17 MR. STEPHENS: Correct.

18 MR. LEWIS: Yes.

19 MR. PELLETIER: Yes.

20 MS. GOODMAN: Yes.

21 THE COURT: What do you say to that?

22 MS. EGGERS: That's fine, your Honor. Yes.

23 THE COURT: Okay. Here, give that to them. Okay.  
24 Send that back?

25 MS. EGGERS: Yes, sir.



1 MR. STEPHENS: Yes, sir.

2 THE COURT: Okay. I'll sign it then. Okay.

3 Well, they seem to be working very hard. So we will wait to  
4 see what comes next. Thank you all.

5 (The proceedings adjourned at 2:40 p.m.)

6 (The proceedings reconvened at 5:38 p.m.)

7 THE COURT: Okay. Please be seated. All right.

8 The jury has reached a verdict. So let's bring them on  
9 down.

10 (The jury was brought into court.)

11 THE COURT: So thank you all very much, ladies and  
12 gentlemen, for all of your hard work. I'm really grateful  
13 to you. I appreciate all have your hard work. It's obvious  
14 how hard you all have worked over the last week and a half  
15 or however long it's been. So thank you all very much for  
16 that.

17 Now, madam foreperson, if I could ask you, please,  
18 has the jury reached a unanimous verdict?

19 THE FOREPERSON: Yes, sir, we have.

20 THE COURT: And as it relates to that verdict, has  
21 the jury reached a unanimous verdict on each and every  
22 individual count as to each and every individual defendant?

23 THE FOREPERSON: Yes, sir, we have.

24 THE COURT: And is the answer to those questions  
25 what you have written here in the document?

1 THE FOREPERSON: Yes, sir.

2 THE COURT: And is this your signature here on the  
3 last page that's dated today January 21st, 2022?

4 THE FOREPERSON: It is.

5 THE COURT: Okay. Thank you. You may be seated.  
6 Now, in a moment I'm going to ask the defendants to please  
7 stand with their counsel, and I'm going to read off the  
8 verdict.

9 So, ladies and gentlemen, what I want you to do is  
10 listen to what I announce the verdict to be. And then I'm  
11 going to, after that is over, I'm going to come back and ask  
12 you all individually if this is your individual verdict.

13 As I do, I will just go down the row and come up  
14 the back row, just say yes if it is, say no, if it is not.

15 So if I could ask you all to please stand.

16 And the verdict is as follows: As it relates to  
17 Count I, the jury has answered guilty as to each defendant  
18 on all counts. And has answered the question, the special  
19 issue related to financial institution, yes.

20 As to Count II, the jury has answered guilty as to  
21 all defendants and on all counts.

22 On Count III, the jury has answered guilty as to  
23 all defendants on all counts.

24 Count IV, the jury has answered guilty as to all  
25 defendants on all counts.

1 Count V, the jury has answered guilty as to all  
2 defendants on all counts.

3 Count VI, the jury has answered guilty on all  
4 counts as to all defendants.

5 Count VII, the jury has answered guilty on all  
6 counts as to all defendants.

7 On Count VIII, the jury has answered guilty on all  
8 counts as to all defendants.

9 On Count IX, the jury has answered guilty as to  
10 all defendants on all counts.

11 And Count X, the jury has answered guilty as to  
12 all defendants on all counts.

13 And again, as I say, it has been signed by our  
14 foreperson. So you all may be seated.

15 If this is your individual verdict. And as I  
16 said, if it is, please say yes. If it is not, then we need  
17 to hear you to say no. And we'll just start here in the  
18 front and work down the aisle.

19 THE JUROR: Yes.

20 THE JUROR: Yes.

21 THE JUROR: Yes.

22 THE JUROR: Yes.

23 THE JUROR: Yes.

24 THE JUROR: Yes.

25 THE JUROR: Yes.

1 THE JUROR: Yes.

2 THE JUROR: Yes.

3 THE JUROR: Yes.

4 THE JUROR: Yes.

5 THE JUROR: Yes.

6 THE COURT: Okay. Thank you. Then I will ask  
7 that our courtroom deputy file this in the official records  
8 of the court.

9 Ladies and gentlemen, this concludes your service.  
10 And as I've told you many times, told you just a moment ago,  
11 I can't thank you enough for all of the work that you have  
12 done.

13 Jury service is a very, very hard and difficult  
14 service, and we sometimes take it for granted as we watch  
15 news reports of cases around the country. And we hear a  
16 result, whether it's a guilty verdict or not guilty verdict,  
17 we think, what's that jury doing, why did they reach that  
18 decision?

19 I hope that you have a new appreciation for how  
20 difficult it is and how tied to specific facts and specific  
21 instructions on the law these cases are. It's very hard  
22 from outside, from not being intimately familiar with the  
23 details of particular cases to know what goes on in a jury  
24 room.

25 And the back and forth that can take place during

1 deliberations. And it's very, very hard work, but it's  
2 very, very important to our system. In fact, it's critical,  
3 the linchpin of our system, because no person can be  
4 convicted of any crime in this country just on the say-so of  
5 the government. It's really the bulwark of our freedom that  
6 the government has to go through a jury of a person's peers,  
7 selected randomly throughout the community to come in and to  
8 perform that.

9 So as the days and weeks and months go by as you  
10 reflect on your service and remember how difficult this was,  
11 long hours, even on the days we ended early, it seemed like  
12 our early was late, that you all put in that kind of effort  
13 and I cannot thank you enough for your sacrifice.

14 I hope that as you think about this, you  
15 understand and appreciate the fact that you performed a  
16 service that was envisioned hundreds of years ago and  
17 enshrined in our documents, and that you've given life to  
18 that provision of the Constitution that guarantees the right  
19 to a trial by jury.

20 So thank you all very much. I ordinarily would  
21 come back and thank you in person, but that would require  
22 you to wait for me to get up there because I have more  
23 business to take care of here. I don't want to keep you any  
24 longer.

25 So I'm going to ask our courtroom deputy to come

1 up to answer any final questions you may have about  
2 anything, reinstatements, parking, anything like that, she  
3 can answer those questions.

4 And then we will get you out of the building to go  
5 on your way, but please understand that I'm very, very  
6 thankful for all of your work. So if everybody will please  
7 rise as our jury exits the courtroom. Thank you all very  
8 much.

9 (The following proceedings were had outside the  
10 presence of the jury.)

11 THE COURT: Okay. You all can be seated. Let's  
12 talk about how the case will go forward from here. Now, a  
13 presentence will be prepared in connection with your case to  
14 assist in sentencing, and you will be asked to give  
15 information for that report.

16 Your attorney will be with you during this  
17 interview with the probation department. And if at any time  
18 you want talk to your attorney in private about any of the  
19 questions that are being asked of you during your interview,  
20 feel free to ask to speak to your attorney in private.

21 Your attorney will advise you on your obligations  
22 to be truthful during the interview process and what may  
23 happen if you're not truthful during that interview process.

24 The probation officer will then prepare a report  
25 known as a presentence report which will have all of the

1 information in that document about this case and about you  
2 individually, your background, and other important  
3 information.

4 They will put that together, as I say, in a  
5 report, and that document will be made available to you well  
6 before your sentencing hearing.

7 So when that document comes out, please review it  
8 carefully. If you have any objections to any of the  
9 information contained in that report, if that report has  
10 information in it that you believe is erroneous, or  
11 incomplete in some way, then let your attorney know and your  
12 attorney will use his or her best professional judgment to  
13 determine how to resolve those issues.

14 If your attorney is unable to resolve those issues  
15 in advance of your sentencing hearing then I would resolve  
16 those issues here in open court at the date and time for  
17 your sentencing.

18 The date and time for your sentencing will be  
19 before me in this courtroom on May 20, 2022. And your  
20 presentence report is due to be disclosed on or about  
21 March 14, 2022.

22 Now, I will set in each of your individual cases,  
23 a detention hearing for Monday at 2 p.m. And it will  
24 probably be in this courtroom, but we'll determine that  
25 between now and then. But until then, you are going to go

1 into custody with the marshal tonight.

2 Anything else we should take up from the  
3 government?

4 MS. EGGERS: No, your Honor.

5 THE COURT: Anything else from the defense?

6 MR. STEPHENS: Your Honor, I would ask the Court,  
7 and I understand your order that you just made, but under 18  
8 U.S.C. 3143 to please allow the four individuals to remain  
9 out pending sentencing.

10 They have made all of their appearances in the  
11 case. The matter has been under investigation for six  
12 years. They have been aware of that. They've always showed  
13 up. They have no prior criminal history.

14 I don't see them as either a risk of flight or a  
15 danger to the community. I would beg the Court to please  
16 allow these people to be able to come in on Monday and have  
17 the detention hearing that the Court wants, but to be able  
18 to get their affairs in order and stay out pending that.

19 THE COURT: Okay. That will be denied. I mean,  
20 they may very well be released. The magistrate judge will  
21 make that determination. I do not have a pretrial report in  
22 front of me. I don't even know the magistrate judge who  
23 heard this case. So I don't have enough information to make  
24 that decision now.

25 I don't know much about their backgrounds, but I



1 will get them a detention hearing on Monday. And if there's  
2 no magistrate judge available to hear the detention hearing,  
3 then I will hear the detention hearing myself. So that will  
4 be denied.

5 Anything else?

6 MR. PELLETIER: Your Honor --

7 THE COURT: Yes.

8 MR. PELLETIER: -- my client has heart medicine  
9 and that he needs for himself. And I think Mr. -- we're  
10 willing to post whatever bond might be possible to allow the  
11 Court to let them out. We'll do ankle monitoring, we'll do  
12 whatever it takes to be here on Monday, absent custody.

13 THE COURT: Okay. That will be denied. We will  
14 take it all up on Monday. If they do have medication, I'm  
15 sure the marshal has a protocol to get that medication to  
16 them. So just touch base with the marshal. This is not --  
17 they handle this will all the time.

18 Anything else? Okay. Then we are in recess.

19 Thank you all.

20 (The jury trial proceedings concluded at 5:51 p.m.)

21

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REPORTER'S CERTIFICATE

I, ZOIE WILLIAMS, RMR, RDR, FCRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter to the best of my ability to hear.

Further, due to the COVID-19 pandemic, some participants were wearing masks, and/or appeared via videoconferencing, so the proceedings were transcribed to the best of my ability.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 22nd day of January, 2022.

\_\_\_\_\_/s/ Zoie Williams\_\_\_\_\_  
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